

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEYAUNA MONIQUE COLLIER,

Defendant-Appellant.

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UNPUBLISHED

June 8, 1999

No. 206347

Recorder's Court

LC No. 96-006647

Before: Collins, P.J., and Jansen and White, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of three counts of assault with intent to do great bodily harm, MCL 750.84; MSA 28.279. She was sentenced to concurrent terms of three to ten years' imprisonment on each conviction and restitution of \$4,154. Defendant appeals her convictions as of right. We affirm.

This case arises from the shooting of Ke-Nita Washington and her mother, Michele Washington, while they were on the front porch of their home. Defendant's former boyfriend, Robert O'Neal, was with Ke-Nita and Michele at the time of the shooting, but was not injured. The shots were fired from defendant's vehicle as it stopped in front of the Washington home.

Defendant first argues on appeal that the prosecution presented insufficient evidence to sustain her convictions. We disagree. When reviewing a claim of insufficient evidence following a bench trial, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense. *Id.*

Although defendant originally was charged as a principal with three counts of assault with intent to commit murder, she was convicted as an aider and abettor of three counts of assault with intent to do great bodily harm less than murder. The elements of assault with intent to do great bodily harm less than murder are: (1) an attempt or offer with force or violence to do corporal hurt to another, (2) coupled with an intent to do great bodily harm less than murder. *People v Harrington*, 194 Mich App 424, 428; 487

NW2d 479 (1992). One who aids and abets in the commission of a crime may be prosecuted, convicted, and sentenced as if he had directly committed the offense. MCL 767.39; MSA 28.979; *People v Turner*, 213 Mich App 558, 568; 540 NW2d 728 (1995). A defendant may be found guilty as an aider and abettor if the prosecution proves beyond a reasonable doubt that (1) a crime was committed either by the defendant or another person, (2) the defendant performed acts or gave encouragement that assisted in the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave the aid or encouragement. *Id.*

Defendant does not contest that a male passenger in her vehicle shot at the complainants in this case. Rather, defendant argues that the prosecution did not prove beyond a reasonable doubt that she had knowledge the shooting was going to occur or that she had the specific intent to do great bodily harm. We disagree. An aider and abettor's state of mind may be inferred from all the facts and circumstances. *Id.* Here, the prosecutor presented evidence that defendant engaged in an ongoing and aggressive altercation with Ke-Nita and O'Neal. The evidence included testimony that defendant had an angry conversation over the phone with Ke-Nita wherein she threatened to come over to Ke-Nita's house, and that she repeatedly drove by her house, yelling at Ke-Nita and O'Neal. She also threw large rocks out of the car at the house and at O'Neal's car. She returned the final time with others in the car, including a male companion who, despite the fact that it was late July, was wearing a three-quarter length coat. Defendant admitted that she brought these other people with her to scare O'Neal. Finally, after the shooting, defendant commented, "bitch, what are you going to do now," or something to that effect. Although defendant denied intending to injure anyone or knowing that anyone in the car had a gun, the trial court found defendant's testimony "wholly incredible and not worthy of belief." As the trier of fact in a bench trial, the court properly may assess credibility. *People v Jackson*, 178 Mich App 62, 65; 443 NW2d 423 (1989). Considering this evidence in a light most favorable to the prosecution, we find that it was sufficient to support defendant's convictions of assault with intent to do great bodily harm under an aiding and abetting theory.

Defendant also argues that the trial court made insufficient findings of facts in rendering its decision. We disagree. MCR 2.517(A) provides, in pertinent part, as follows:

(1) In actions tried on the facts without a jury . . . the court shall find the facts specially, state separately its conclusions of law, and direct entry of the appropriate judgment.

(2) Brief, definite, and pertinent findings and conclusions on the contested matters are sufficient, without overelaboration of detail or particularization of facts.

See also MCR 6.403. Factual findings are sufficient so long as it appears that the trial court was aware of the issues in the case and correctly applied the law. *People v Kemp*, 202 Mich App 318, 322; 508 NW2d 184 (1993). Furthermore, a trial court is not required to make specific findings regarding each element of a crime. *People v Legg*, 197 Mich App 131, 134, 494 NW2d 797 (1992).

At the conclusion of the prosecution's case, defendant moved for a directed verdict. The court denied the motion and made findings of fact on the record. The court made additional findings of fact at the conclusion of the trial. The record of those findings includes references to the testimony discussed above, as well as a discussion of the import of the evidence presented on the aiding and abetting theory. Moreover, the trial court specifically addressed the original charges of assault with attempt to commit

murder and determined that it would give defendant the benefit of the doubt and, while it could find her guilty of the charges, would instead find her guilty of assault with intent to commit great bodily harm. We conclude that these findings demonstrate that the court understood the elements of the offense of assault with intent to do great bodily harm less than murder and that the court correctly applied the law. Accordingly, we hold that the trial court made sufficient findings of fact, and reversal of defendant's convictions or remand of this case for additional fact finding is unnecessary.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Kathleen Jansen

/s/ Helene N. White